United Nations S/2014/105*

Security Council

Distr.: General
14 February 2014

Original: English

Report of the Secretary-General on the restoration of constitutional order in Guinea-Bissau

I. Introduction

1. The present report is submitted pursuant to Security Council resolutions 2048 (2012) and 2103 (2013), and covers major political, security, human rights, humanitarian and socioeconomic developments since my past report, of 19 November 2013 (S/2013/680).

II. Restoration of and respect for constitutional order

A. Political situation

1. Overview of the political situation in the country

2. The political landscape during the period under review was dominated by preparations for the upcoming general elections, the continuing political crisis within the African Party for the Independence of Guinea and Cabo Verde (PAIGC) and the investigation into the circumstances surrounding the arrival in and departure from Bissau of 74 individuals allegedly of Syrian nationality.

3. On 7 December, the Transitional President, Manuel Serifo Nhamadjo, held a meeting that was attended by representatives of 21 political parties, the armed forces and the international community to discuss a possible extension of the transition period, which was expected to end on 31 December 2013. On 27 December, the Permanent Commission of the National Assembly approved the extension until the election and subsequent swearing-in of new parliamentarians.

4. The National Assembly met the Transitional Prime Minister on 10 December and the Minister of Territorial Administration of the Transitional Government on 13 December for an update on the status of the voter registration process. On 13 December, the Director General of the Technical Office for Support to the Electoral Process informed the National Assembly that it would not be possible to complete the process by 30 December owing to the limited number of available voter registration kits.

* Reissued for technical reasons on 25 February 2014.

14-23247* (E) 250214

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5. In the meantime, PAIGC remained engulfed in an internal crisis in the run-up to its national congress, at which it was expected that the party's organs and presidential candidate would be elected. The regional congresses, held to elect delegates to the national congress, were marked by bitter divisions and, at times, violent confrontations. On 21 December, a coalition including two PAIGC presidential candidates, Carlos Correia and Adja Satú Camará, as well as Domingos Simões Pereira, a candidate for the PAIGC leadership, signed a document entitled "Alliance for unity and cohesion in PAIGC". The document's signatories also called for an amendment to the PAIGC statutes to allow the president of the party to have responsibility for chairing the main organs of the party and the general secretary to head the party's list in the legislative elections (in the event of the party's victory, the general secretary would become prime minister).

6. In December, supporters of Braima Camará, a candidate for the PAIGC leadership, challenged the rulings of the PAIGC legal department on the results of the regional congresses in the regions of Oio and Bafatá, in north-central Guinea-Bissau. Concerned about the potential impact on the country of PAIGC being barred from the elections owing to a failure to provide its list of legislative candidates within the legal time limit, on 8 January the Transitional President requested my Special Representative, José Ramos-Horta, and the African Union Special Representative, Ovidio Pequeno, to assist him in mediating the crisis. Mr. Ramos-Horta and Mr. Pequeno worked together to persuade all sides not to allow political differences and personal animosities to undermine efforts to bring the transition period to a conclusion.

7. On 10 January, the Regional Court of Bissau ruled in favour of Mr. Camará's supporters with regard to the regional congress in Oio. On 17 January, the Regional Court of Bafatá ruled against his supporters regarding the regional congress in Bafatá. On 24 January, the PAIGC Central Committee reorganized the election for the regional congress of Oio, leading to the election of supporters of Mr. Simões Pereira.

8. On 29 January, deposed Prime Minister Carlos Gomes Júnior, who was leading PAIGC at the time of the coup d'état of 12 April 2012, announced that he would be a candidate for the presidential election, without specifying whether he would do so under the PAIGC banner. The party's national congress, which was postponed on several occasions, eventually commenced on 2 February in the north-western town of Cachéu. On 9 February, the national congress elected Domingos Simões Pereira as president of the party.

9. On 1 January, Koumba Yalá, former President and former leader of the Party for Social Renewal (PRS), stated that he would be retiring from active political life. On 30 January, PRS elected Abel Incada, a businessman, as its presidential candidate.

10. On 19 January, the Guinea-Bissau Forum, a coalition of 23 political parties previously referred to as the Forum of Political Parties selected Fernando Vaz to lead their electoral list in the upcoming elections. Mr. Vaz is currently the minister in charge of the Council of Ministers and spokesperson for the Transitional Government. He is also the leader of the non-parliamentary Guinean Patriotic Union. The Guinea-Bissau Forum selected Afonso Té, its Chair and the leader of the Republican Party for Independence and Development, as its presidential candidate.

11. On 10 December, 74 individuals claiming to be Syrian nationals who had arrived in Bissau from Casablanca, Morocco, attempted to board a commercial flight to Lisbon with fake passports. As a result of the intervention of the security forces of Guinea-Bissau and the Minister of the Interior of the Transitional Government, the flight crew were allegedly forced to transport the 74 individuals to Lisbon. Upon arrival, the individuals requested asylum from Portugal. The airline suspended its flights to and from Bissau.

12. On 23 December, the Minister of Justice of the Transitional Government announced that the commission of inquiry that had been established on 13 December to investigate the incident had concluded that the insistence shown by the Minister of the Interior of the Transitional Government that led the airline to transport the 74 individuals to Lisbon was due to "internal security reasons". The commission had also concluded that a transnational criminal network with links to personnel from the Ministry of Foreign Affairs, the international airport in Bissau and the State Information Services was involved. On the same day, the Transitional Prime Minister informed the United Nations Integrated Peacebuilding Office in Guinea-Bissau (UNIOGBIS) that the report of the commission would be submitted to the Office of the Prosecutor-General for investigation and that the Transitional Government would request the International Criminal Police Organization (INTERPOL) to assist the authorities of Guinea-Bissau in dealing with the transnational criminal network.

2. Overview of the human rights situation in the country

13. During the reporting period, no significant progress was made in the areas of human rights protection and the fight against impunity. There were new cases of political harassment of former and current members of the Transitional Government and a widespread sense of insecurity and impunity. Restrictions on the right to freedom of expression and assembly, imposed since the coup d'état of 2012, remained in force.

14. Following the beating of the Minister of Transportation and Communications of the Transitional Government on 5 November 2013, reportedly by armed men, some wearing military uniforms, the Prosecutor-General pledged to carry out an investigation into the incident. Between 12 and 15 November, the Judiciary Police interrogated eight suspects, including the Commander of the Rapid Intervention Police. All were released without charge.

15. On 21 November, the former Minister of the Presidency of the Council of Ministers and electoral campaign manager of former Prime Minister Carlos Gomes Júnior, deposed in 2012, Adiatu Djalo Nandigna, was detained and interrogated for several hours by the State Information Services upon her return to Bissau, for having "illegally left the country" following the coup d'état of April 2012.

16. On 12 December, the Prosecutor-General briefed parliamentarians on the status of investigations into grave human rights violations, politically motivated beatings and assassinations. He cited insufficient material and human resources, as well as the non-cooperation of State institutions, as barriers to the administration of justice. With regard to the killing in March 2009 of the former Chief of General Staff of the armed forces, General Tagmé Na Waie, he stated that the investigative process was complete but that a trial date had yet to be set. Regarding the assassination of former President João Bernardo Vieira in March 2009, he said that

the hearings of two crucial witnesses were pending. He added that problems over the physical security of those witnesses persisted, as Guinea-Bissau did not have a witness protection law or corresponding mechanism. As to the killing of a Nigerian citizen on 8 October 2013, he said that investigations by his office, the Judiciary Police and the National Guard were still under way but had been hampered by the lack of logistical means. He also noted that the authorities had not yet identified the culprits behind the threats to life and property at the Embassy of Nigeria.

17. On 13 January, Carlos Costa, a member of the PAIGC Central Committee and a leading member of the 2012 electoral campaign team of Mr. Gomes Júnior, informed UNIOGBIS that he had been detained and interrogated on 11 January by the National Guard and men in "plain clothes" for distributing electoral materials bearing the image of Mr. Gomes Júnior left over from the 2012 presidential election campaign.

3. Regional and international efforts towards the restoration of and respect for constitutional order

18. During the period under review, my Special Representative continued to engage with international partners of Guinea-Bissau, in particular with a view to encouraging the speedy delivery of pledged assistance for the electoral process. To this end, he held regular information-sharing and coordination meetings with the diplomatic corps accredited in Bissau. My Special Representative also encouraged the Transitional Government and the Transitional President to hold regular meetings with international partners, to improve communication with those providing support to the electoral process.

19. At its 408th meeting, held in Addis Ababa on 13 December, the Peace and Security Council of the African Union requested the transitional authorities in Guinea-Bissau to identify and take action against those suspected of involvement in violence in the country. It urged the transitional authorities to ensure security sector reform, as a precondition for the promotion of democracy and the rule of law. It also appealed to the international community to support the reinforcement of the Economic Community of West African States Mission in Bissau (ECOMIB).

20. On 8 January 2014, the Community of Portuguese-speaking Countries announced the appointment of Carlos Moura as its Special Representative to Guinea-Bissau. Speaking to the media in Bissau on 14 January, Mr. Moura stressed that, by appointing him, the Community of Portuguese-speaking Countries was reiterating its commitment to assist Guinea-Bissau in ensuring that the elections scheduled for 16 March would be held on time. He pledged to work closely with the transitional authorities in that regard.

21. A mission of the International Organization of la Francophonie visited Guinea-Bissau from 10 to 13 December 2013 to assess electoral preparations and identify possible areas of support. A United Nations electoral mission comprising representatives of the Department of Political Affairs of the Secretariat travelled to Guinea-Bissau from 8 to 16 January to assess the preparations being made for the presidential and legislative elections. The European Union deployed an exploratory mission from 9 to 16 January to determine the need for an electoral observation mission.

4. Efforts towards a democratic electoral process

22. The voter registration process, which aimed at registering an estimated voter population of 810,961 persons, commenced on 1 December 2013. While the operation was scheduled to run until 21 December, the Transitional Prime Minister informed my Special Representative on 18 November that a decision had been made to extend the voter registration period until 30 December. The extension contributed to confusion among the population and to undermining confidence in the operation. The lack of a national public information campaign, crucial for a voter registration exercise carried out for the first time by mobile, not fixed, brigades, and the absence of detailed updates by the transitional authorities added to the confusion and further undermined confidence.

23. The initial days of operations were marked by long delays in the registration process. Operations commenced with the distribution of voter registration kits provided by the Government of Timor-Leste that had arrived in the country on 23 November.

24. The Government of Timor-Leste, through its electoral mission in Guinea-Bissau, provided financial and technical support that was critical for getting the voter registration process under way. ECOWAS and its member States pledged $19 million, a significant part of which was allocated to the payment of salaries of field voter registration personnel. However, there were some initial delays in disbursement owing to challenges encountered by the Transitional Government in ensuring compliance with ECOWAS financial rules and minimum standards for accountability.

25. In an effort to accelerate the voter registration process, the Transitional Government requested the Government of Nigeria to assist in providing additional voter registration kits. In response, the Government of Nigeria donated 300 kits and deployed five information technology technicians to Bissau. The distribution of the 300 kits to voter registration locations was hampered, however, by a number of technical problems.

26. During meetings convened on 4 and 5 January 2014 by the Transitional President with various national and international stakeholders to discuss the voter registration process, the Transitional Government announced that the voter registration period would be extended until 30 January. On 6 January, the Transitional Prime Minister sent a letter to the Speaker of Parliament requesting the National Assembly's agreement to shorten the electoral timelines to facilitate the holding of the elections on 16 March. During a meeting on 8 January, the Transitional President informed my Special Representative that the legislative and executive branches had informally agreed that an extraordinary session of the National Assembly would be convened once the voter registration had been completed to discuss a reduction in the electoral timelines.

27. The voter registration process experienced both technical and planning deficiencies, as well as challenges related to the coordination of national and international stakeholders. The call made by the Transitional Government for each international partner to manage its own contributions to the process did not facilitate proper coordination and did not allow for the pooling and management of funding and technical assistance by the United Nations Development Programme, as is done traditionally.

28. On 14 January, upon the advice of my Special Representative, the Transitional Prime Minister convened a meeting of the coordinating committee for the electoral process and financial support for the general elections of 2013-2014, which had been established on 31 October 2013. During the meeting, the committee discussed a report on the first 30 days of the voter registration process provided by the Technical Office for Support to the Electoral Process. In the report, the Technical Office identified the late disbursement of funds as a major constraint for the operation that had led to delays in the training of voter registration personnel and an insufficient number of voter registration kits.

29. My Special Representative visited voter registration sites throughout the country, including in Bissau and in the regions of Bafatá, Quinara, Cacheu, Biombo and Oio. During all visits, he witnessed high numbers of people seeking to register and noted the enthusiasm and motivation among the population.

30. By 30 January, the process had gained enough momentum for the Technical Office for Support to the Electoral Process to announce in a press conference the registration of 677,114 voters, 12,349 of whom were part of the diaspora, representing about 83 per cent of the estimated voter population. Additional progress was achieved with the deployment of 150 of the 300 voter registration kits provided by the Government of Nigeria.

31. The voter registration process concluded on 10 February. Funding for the following phase of the process (polling) has been secured through the generous commitments made by the international partners of Guinea-Bissau, including the ECOWAS Commission, the European Union, the Peacebuilding Fund of the United Nations and the West African Economic and Monetary Union, as well as Brazil, Burkina Faso, Côte d'Ivoire, Guinea, Niger, Nigeria, Senegal, South Africa, Timor-Leste, Togo, Turkey and the United Kingdom of Great Britain and Northern Ireland.

B. Security situation

32. During the reporting period, the security situation remained relatively stable. On 4 January, during a security operation, military officers stopped a convoy in which my Special Representative was travelling. When the case was reported to the Transitional President, the Chief of General Staff of the armed forces issued a communiqué in which he apologized for the inconvenience caused and ordered all searches of vehicles to be terminated. However, UNIOGBIS has received reports that the military has continued to search vehicles of diplomatic representatives.

33. On 24 December, the Minister of the Interior of the Transitional Government approved and adopted a national electoral security plan for 2014, which had been developed with the support of UNIOGBIS. According to the plan, electoral security will fall under the auspices of a joint command of the Ministers of the Interior and Defence of the Transitional Government, with the participation of ECOMIB. The transitional authorities requested support from the National Electoral Commission, ECOMIB and UNIOGBIS to facilitate the training of the police and military officers operating under the joint command. On 23 January, UNIOGBIS and the Embassy of Brazil in Guinea-Bissau agreed on modalities for the use of the Brazil-funded João Landim training centre for internal security forces, in order to conduct such training.

34. The Transitional Prime Minister informed my Special Representative on 31 December 2013 that the military had been offering logistical support to the voter registration brigades. During his field visits, my Special Representative was able to observe, and therefore confirm, that such logistical support was being provided.

III. Socioeconomic and humanitarian situation

35. The social and economic situation in the country deteriorated further during the period under review. According to provisional data, the financial situation in the treasury of the Transitional Government became more acute in the fourth quarter of 2013. The Transitional Government faced increasing difficulties in paying civil servants' salaries in a timely manner, accruing up to three months' salary arrears in many cases.

36. Trade unions in the private sector also reported challenges related to salary arrears. The two trade union confederations, the National Union of Guinean Workers and the General Confederation of Independent Trade Unions, called a general strike from 16 to 20 December that paralysed both the civil service and the private sector. The trade unions demanded the payment of two months' arrears. Transportation operators also joined the strike, demanding an immediate end to the "stop" operations conducted by traffic police. Anti-riot police teams were deployed in strategic locations in Bissau to monitor possible gatherings during the first days of the strike, but no security incidents were reported. The transportation sector stopped the strike on the third day owing to complaints from the population.

37. The teachers' strike, which started on 30 September, was lifted on 16 December following an agreement between the two teachers' unions and the Transitional Government for the payment of four months of salary arrears. In order to ensure satisfactory completion of the current school year, the teachers' unions and the Transitional Government signed a social pact for the education sector on 26 December; the pact was subsequently endorsed by the Transitional President. The United Nations Children's Fund (UNICEF), which provided technical support for the process as a mediator, also signed the pact, as a witness, along with parents' association and the students' association of Guinea-Bissau. The pact aimed to create a climate of social peace in the education sector and ensure the smooth and uninterrupted functioning of classes, among other things.

38. In December 2013, the Transitional Government, the World Food Programme, the Food and Agriculture Organization of the United Nations, Plan International and other international partners published the results of an emergency food security assessment conducted in August 2013 to evaluate the impact on food security of a poor cashew marketing campaign and low market prices. The assessment concluded that nearly half the population relied on cashew nut sales for their primary income. It also highlighted that the drop in cashew nut prices experienced in 2013 had been one of the main "shocks", affecting 74 per cent of households, lowering income and decreasing access to food commodities. The assessment also revealed that only 7 per cent of the population was food secure, with levels varying according to the regions. Oio and Quinara were the most food-insecure regions. The food security situation was expected to stabilize between November 2013 and January 2014, but to deteriorate again between February and June 2014 — the cashew harvest and trading period. The World Food Programme has been implementing a protracted

recovery and relief operation in Guinea-Bissau, scheduled to be completed in January 2015, that focuses on education, health, nutrition and food security. As part of the operation, it is planned that food will be provided to approximately 150,000 beneficiaries annually.

39. During the reporting period, the southern region of Tombali was affected by a cholera outbreak: 470 cases were recorded, resulting in 30 deaths as at mid-December 2013. UNICEF and the World Health Organization have been working with the Ministry of Health and non-governmental organizations to mitigate the impact and halt the spread of the epidemic to other regions.

IV. Observations

40. The successful conclusion of voter registration is a milestone towards the holding of credible, inclusive and peaceful legislative and presidential elections. The initial problems encountered in the registration process did not dampen the enthusiasm of the people of Guinea-Bissau in registering and obtaining voter identification documents. I commend the people of Guinea-Bissau for their commitment to exercise their democratic rights in a peaceful manner.

41. I welcome the efforts made by the transitional authorities to stay the course despite significant technical and political challenges. I also commend the international partners of Guinea-Bissau, particularly ECOWAS and the Governments of Nigeria and Timor-Leste, for their support and for providing critical equipment. The dedication of other partners that have made firm commitments to support the polling phase is also highly appreciated.

42. It is critical that the momentum and enthusiasm that the voter registration process has generated be maintained through the polling. The uncertainties that affected the voter registration process almost to the end, including difficulties with printing and the issuance of voter cards, may have raised some doubts, but on balance the process has allowed for the inclusion of many who desired to register. I encourage national stakeholders to continue to use legal means to resolve disputes related to the voter registration process in the interest of peace and stability in the country. I also urge all stakeholders to resolutely move forward to the next phase with commitment, vigilance and a deep sense of shared responsibility.

43. I call upon the international partners to maintain their financial and technical support to the electoral process, in particular through the timely delivery of such support, with all necessary guarantees for transparency and accountability. I also call for a redoubled effort at enhanced coordination of electoral assistance under the leadership of my Special Representative, in line with Security Council resolution 2103 (2013) and in close collaboration with the United Nations country team.

44. While underscoring the progress made with the conclusion of voter registration, I am aware of challenges that persist in ensuring that the nominating, campaigning, actual polling, counting and results management processes take place as scheduled and in a peaceful, orderly, transparent and credible fashion, with full acceptance of the results by all stakeholders. In this regard, I take note in particular of the impact of the extended voter registration process on the timelines for the key tasks that remain, and call upon all stakeholders to urgently address this issue with the necessary flexibility. I finally urge all people of Guinea-Bissau, including

political parties and their supporters, the defence and security forces, civil society, traditional and religious leaders and women's and youth groups, as well as the media, to play their roles in a responsible manner in order to facilitate the conduct of credible elections.

45. Notwithstanding the efforts of national and international partners to encourage political compromise among the people of Guinea-Bissau, I note with concern that the political leadership in the country remains deeply divided. The divisions permeating the polity threaten the whole process of restoring constitutional order in the country. I call upon all political leaders, in particular the leadership of PAIGC, to rapidly address their internal problems in a responsible manner in order to contribute to peaceful and credible elections.

46. Acts of violation of human rights, intimidation and politically motivated violence have remained at worrying levels since my report of 19 November 2013 (S/2013/680). As election day draws closer, political tensions may rise. I urge all parties, in particular, the civilian and military transitional authorities, to exercise restraint during this sensitive period in order to create an environment conducive to free participation in the electoral process.

47. I remain deeply concerned about the extreme fragility of the rule of law. The inability of the judicial system to bring guilty individuals to account entrenches impunity, erodes the very essence of the State and denies victims their right to justice and redress. Obstruction of justice, intimidation of those conducting investigations into criminal activities and insufficient allocation of resources to investigate those acts and other major crimes and human rights violations are unacceptable. I call upon the Transitional Government and the judicial authorities to ensure that those responsible for criminal acts are held accountable in a timely manner, with full respect for the due process of law.

48. In conclusion, I wish to express my appreciation to the staff of UNIOGBIS and the United Nations country team, under the leadership of my Special Representative, as well as to the regional and international partners of Guinea-Bissau for their contributions to the efforts to restore constitutional order and promote peacebuilding in the country.